

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:05-CR-128-1H

UNITED STATES OF AMERICA,

v.

EMERSON WADDELL SARTOR, III,

Defendant.

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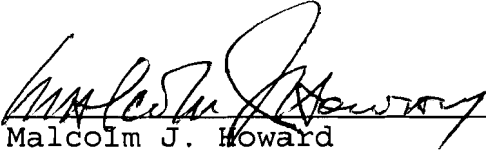
ORDER

This matter is before the court on defendant's motions, filed March 16, 2009, and March 8, 2010. In these motions the defendant seeks to have his sentence reduced by contesting the criminal history points assessed in the Presentence Investigation Report prepared for his sentencing and adopted by the sentencing court in determining the appropriate guidelines in this case.

The defendant has given no basis for his motion. He has cited no rule of law which would allow this court to re-open a sentencing proceeding completed almost three years before the filing of his motion. He did not appeal his sentence, and he further waived many of his appeal rights in his plea agreement.

Under these circumstances, the court finds these motions [DE #38 and #53] to be without merit, and they are therefore DENIED.

This 1st day of November 2010.


Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
#26